

Supreme Court of Kentucky


ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 5TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CRITTENDEN, UNION, AND WEBSTER COUNTIES

Upon recommendation of the Judges of the 5th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 5th Judicial Circuit, Family Court Division, Crittenden, Union, and Webster counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 7th day of March 2016.


CHIEF JUSTICE JOHN D. MINTON, JR.

RULES OF COURT
PRACTICE AND PROCEDURE
COMMONWEALTH OF KENTUCKY

FIFTH JUDICIAL CIRCUIT
FAMILY DIVISION

TABLE OF CONTENTS

<u>RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE</u>	<u>4</u>
101 PREFACE	4
102 EFFECTIVE DATE	4
103 CITATION	4
104 HOLIDAYS	4
105 JURISDICTION	4
106 PENALTIES	4
107 WARNING ORDER ATTORNEY AND <i>GUARDIAN AD LITEM</i>	5
 <u>RULE 2 COURT SCHEDULING/<i>MOTION</i> HOUR/PROCEDURES FOR FILING</u>	 <u>5</u>
201 COURT SCHEDULES	5
201(A) WEBSTER FAMILY COURT	5
201(B) UNION FAMILY COURT	6
201(C) CRITTENDEN FAMILY COURT	7
202 EXCEPTIONS TO REGULAR MOTION HOUR SCHEDULE	7
203 FILING, NOTICE AND SERVICE OF MOTIONS	7
204 MOTIONS ROUTINELY GRANTED	9
205 CONTINUANCE OF MOTIONS	9
206 ENTRY OF ORDERS AND JUDGMENTS	9
 <u>RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS</u>	 <u>10</u>
301 STRICT COMPLIANCE	10
302 INSPECTION OF ADOPTION RECORDS	10
303 TEMPORARY CUSTODY ORDER	10
304 OBTAINING DATE AND TIME FOR HEARINGS IN ADOPTION CASES	10
 <u>RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY</u>	 <u>11</u>
401 PROCEDURES FOR FILING AND OBTAINING EMERGENCY PROTECTIVE ORDERS	11
402 VIOLATION OF DOMESTIC VIOLENCE ORDERS	11
403 CROSS-REFERENCE CASES	11
 <u>RULE 5 PATERNITY</u>	 <u>12</u>
501 MOTION PRACTICE	12
502 REOPENING FEE	12
503 PERMISSION TO REVIEW AND COPY PATERNITY CASE FILES	12

<u>RULE 6 DEPENDENCY, NEGLECT OR ABUSE ACTIONS</u>	13
601 PROCEDURE FOR EMERGENCY CUSTODY ORDERS	13
602 EFFECT OF SERVICE ON ONLY ONE PARENT/PECC	13
603 TIME FOR TEMPORARY REMOVAL HEARING	13
604 GUARDIAN AD LITEM	13
605 COURT APPOINTED SPECIAL ADVOCATE (CASA)	13
606 DUTY OF GUARDIAN AD LITEM, PARENT ATTORNEY AND CASA	13
607 RECORDS AND TRANSCRIPTS	14
 <u>RULE 7 DOMESTIC RELATIONS PRACTICE</u>	 14
701 FILING FEES	14
702 APPEARANCE, WAIVERS, AND AGREEMENTS	14
703 CASE MANAGEMENT CONFERENCES (CMC)	14
704 MEDIATION	15
705 FINAL EVIDENTIARY HEARING	15
706 FINAL DECREE OR ORDER IN UNCONTESTED ACTIONS	15
 <u>RULE 8 STATUS OFFENSES</u>	 16
 <u>RULE 9 MISCELLANEOUS</u>	 16
901 IDENTIFICATION OF COUNSEL OR PARTY REQUIRED	16
902 PROTECTION OF PERSONAL IDENTIFIERS	16
903 VIDEO COPIES OF IN-CHAMBER INTERVIEWS WITH CHILDREN	17
904 REQUESTS FOR CONFIDENTIAL VIDEO RECORDS	17
905 CHILD TIMESHARING GUIDELINES AND CODE OF CONDUCT	17
906 ADDITIONAL ASSISTANCE	17
 <u>APPENDIX A DOMESTIC VIOLENCE PROTOCOL</u>	 19
 <u>APPENDIX B PARENTING TIME-SHARING GUIDELINES</u>	 23
 <u>APPENDIX C PARENTING TIME-SHARING CODE OF CONDUCT</u>	 26
 <u>APPENDIX D JURISDICTION FOR STATUS OFFENSES AND IPO ACTIONS</u>	 29

RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE

- 101 Preface.** These are the Uniform Rules of Court Practice and Procedures of the Fifth Judicial Circuit, Family Division (Crittenden Family Court, Union Family Court, and Webster Family Court). These rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Family Court Rules of the Fifth Judicial Circuit. All previous rules adopted in the Fifth Judicial Circuit, Family Division, are hereby rescinded.
- 102 Effective Date.** The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court approval.
- 103 Citation.** These rules shall be cited as “LRFC” (Local Rules of the Family Court) or “Local Rules.”
- 104 Holidays.** Holiday schedules may be obtained at the Crittenden Circuit Clerk’s Office, Union Circuit Clerk’s Office, and the Webster Circuit Clerk’s Office.
- 105 Jurisdiction.** Pursuant to KRS 23A.100, the 5th Circuit Family Court has subject matter jurisdiction of the following types of cases: Adoptions, child custody and parenting time, child visitation, child support actions (URES and UIFSA), juvenile dependency, neglect and abuse actions, dissolution of marriage and matters ancillary thereto, domestic violence actions, juvenile status offenses, paternity, termination of parental rights, and subject to jurisdictional limitations, other actions that may be transferred to the Family Court from 5th Circuit Court or 5th District Court for purposes of consolidation or convenience.
- Pursuant to KRS 23A.100, the Family Court shall be the primary forum for these cases, except that nothing shall be construed to limit the concurrent jurisdiction of the District Court where necessary and applicable. Pursuant to KRS 23A.110, additional jurisdiction of the Family Court shall be liberally construed and applied to promote the underlying purposes outlined in the statute.
- 106 Penalties.** The Court may assess costs and fees or impose any appropriate sanctions, including using its full contempt powers against a party or attorney not complying with one or more of these rules. This includes sanctioning attorneys or parties for failing to provide documents as required by FCRPP or failing to appear at scheduled court appearances.

107 Warning Order Attorney and *Guardian Ad Litem*.

- A. In all actions for adoptions of children or termination of parental rights, a *Guardian Ad Litem* shall be appointed for the child in accordance with KRS 199.473(11) and KRS 620.100(1)(a).
- B. Fees. All Warning Order Attorney and *Guardian Ad Litem* fees paid pursuant to this rule are to be taxed as costs.
 - a. Motions for compensation shall be accompanied by an affidavit indicating:
 - i. The statutory basis for appointment;
 - ii. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
 - iii. That the action or proceeding has been concluded and date of disposition.
 - b. The *Guardian Ad Litem* fee in actions regarding termination of parental rights, paternity and/or dependency, abuse and neglect are governed by statute.
 - c. The Circuit Clerk shall pay any remitted fees to the Warning Order Attorney/*Guardian Ad Litem* upon the approval of the motion requesting compensation.
- C. Appointment.
 - a. *Guardians Ad Litem* shall be appointed from a list of attorneys who are in good standing with the local Bar Association, have completed the training provided by the Administrative Office of the Courts, and have been approved by the presiding Family Court Judge.
 - b. A Warning Order Attorney shall be appointed upon request.

RULE 2 COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

201 Court Schedules. The following is a general schedule for matters routinely before the 5th Circuit Family Court. This schedule is subject to review and revision and may be modified by the Judge to accommodate holidays, weather conditions, circumstances of the parties, or other schedules, as the Judge deems necessary to efficiently and effectively accomplish the business of the Court.

201(A) Webster Family Court

- (1) All motions filed in Webster Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion relates to the establishment, enforcement or collection of child support shall be heard on the first and third Monday of each month.

- (2) All motions filed in Webster Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion does not relate to the establishment, enforcement or collection of child support shall be heard on the second and fourth Monday of each month.
- (3) Motions in Dependency, Neglect and Abuse, Status Offenses and Domestic Violence and Interpersonal Protective Order actions, shall be noticed for and heard on the first, second, third or fourth Monday of each month.
- (4) Emergency Dependency, Neglect and Abuse, and status cases may be heard on any day of the week as ordered by the Court.
- (5) There will be no regularly scheduled motions to be heard on the fifth (5th) Monday of each month.

201(B) Union Family Court

- (1) All motions filed in Union Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion relates to the establishment, enforcement or collection of child support shall be heard on the first and third Wednesday of each month.
- (2) All motions filed in Union Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion does not relate to the establishment, enforcement or collection of child support shall be heard on the second and fourth Wednesday of each month.
- (3) Motions in Dependency, Neglect and Abuse, Status Offenses and Domestic Violence and Interpersonal Protective Order actions, shall be noticed for and heard on the first, second, third or fourth Wednesday of each month.
- (4) Emergency Dependency, Neglect and Abuse, and status cases may be heard on any day of the week as ordered by the Court.
- (5) There will be no regularly scheduled motions to be heard on the fifth (5th) Wednesday of each month.

201(C) Crittenden Family Court

- (1) All motions filed in Crittenden Family Court in cases assigned with a “CI” case number, or filed in paternity proceedings, including those motion that relate to the establishment, enforcement or collection of child support, will be heard on the second and fourth Tuesday of each month.
- (2) Motions in Dependency, Neglect and Abuse, Status Offenses and Domestic Violence and Interpersonal Protective Order actions, shall be noticed for and heard on the first, second, third or fourth Tuesday of each month.
- (3) Emergency Dependency, Neglect and Abuse, and status cases may be heard on any day of the week as ordered by the Court.
- (4) There will be no regularly scheduled motions to be heard on the fifth (5th) Tuesday of each month.

202 Exceptions to Regular Motion Hour Schedule

- A. There will be no Motion Hour during the week of the Judicial College or through period of December 24th through January 1st each year. No Motion shall be noticed to be heard on a state holiday.
- B. If the court is closed for any unforeseen reason, i.e., inclement weather, the Motion must be re-noticed by the party filing the Motion to be heard on a regular scheduled Motion Hour.
- C. Any Motion expected to require a lengthy hearing, i.e., more than 15 minutes, may be assigned for a hearing at a specific time other than the regular scheduled Motion Day by the Office of the Family Court.
- D. For good cause shown, a Motion may be heard by telephonic conference at the discretion of the Judge. Dates and times for telephonic conference may be obtained through the Judge’s Assistant at the Office of the Family Court.

203 Filing, Notice, and Service of Motions

- A. Except for good cause shown, as permitted by FCRPP or Statute, or waiver of notice requirements, all motions shall be filed at least seven (7) days prior to the scheduled hearing date. Any motion filed less than seven (7) days in advance may be denied as procedurally deficient or continued to a date more than seven days after the filing of the motion. Responses, if any, shall be filed and served at least two (2) days prior to the hearing date. Service of the motion shall occur at least three (3) business days prior

to the hearing date. These time limits may be waived by the court on a showing of good cause or in the interest of justice.

- B. Each motion and notice shall contain a certificate of service setting forth the party or attorney to whom the photocopy was delivered, the method(s) of delivery, and the date that the photocopy was delivered or transmitted. Photocopies of motions and/or notices shall be mailed, hand-delivered, faxed, or delivered in a manner otherwise approved by the Courts, to opposing parties or counsel on the same date the motion or notice is filed. Courtesy copies of all motions shall be emailed to the Judge, or mailed to:

Hon. Brandi Rogers
5th Circuit Court Judge
Family Court Division
P.O. Box 417
Marion, KY 42064

- C. All motions, except those included in an answer, when served on the adverse party, shall contain a date on which said motion shall be heard. Any motion which fails to include the date of the hearing shall be treated as if no motion has been filed.
- D. All pleadings, motions, and documentation (except items of evidence) shall be typewritten. Motions may be filed by facsimile in the appropriate Clerk's office within the time limits provided for in these rules but a hard copy of the motion shall be subsequently filed of record. All pleadings shall contain the correct mailing address, email address, and telephone number of the party or attorney filing the pleading.
- E. Motions for post judgment relief shall be served on the opposing party as well as any attorney of record. It is the responsibility of the parties to keep the Court apprised of any address changes.
- F. Motions to compel discovery shall contain a certificate, by counsel, that she or he has conferred or corresponded with opposing counsel and that they are unable to reconcile their differences without hearing. The Court considers willful, deceptive, deliberate, or protracted noncompliance with discovery to be a serious matter. The court may, at its discretion, allow attorneys' fees and impose appropriate sanctions against counsel who fails to reasonably comply with discovery requests as outlined in the Kentucky Rules of Civil Procedure.
- G. The Clerk shall keep a motion docket for those motions to be heard on regular motion days. The motion docket will be called on motion day. The Court, in its discretion, may hear and determine any motion or other matter before it at any time in accordance with the rules of civil procedure.

- 204 Motions Routinely Granted.** Motions may be made under CR 78(2) which makes provision for the determination of motions without oral hearing upon a brief written statement of reasons in support and opposition. Movant shall state that the motion is made under CR 78(2) and this local rule. The notice shall specify that the motion may be routinely granted without hearing by the court, upon the expiration of ten (10) calendar days if no response is filed. The notice may take substantially the following form:

This motion is submitted to the Court for decision pursuant to CR 78 and Local Rule 204. This motion may be routinely granted by the Court ten (10) calendar days from the date of filing, without a hearing on the motion, unless a response or objection is filed. If the opposing party wishes to have this matter heard in open Court, s/he must so state in the response, and shall set the matter for determination on a regular motion hour docket, with appropriate notice to all parties and the Court.

If a party opposing the motion desires oral hearing, they shall so state, and proceed to notice the motion for the following motion day. Movants under CR 78(2) shall file an appropriate tendered order of relief with the Court. The Court reserves the right to alter or amend the tendered order to conform to its opinion as to the appropriate remedy of the Court.

- 205 Continuance of Motions.** An attorney or *pro se* party who will be unable to be present at the time scheduled in the motion shall immediately notify the moving attorney or *pro se* party and attempt to establish a mutually agreeable time for hearing the motion. If unsuccessful, the party seeking continuance shall immediately file a motion for continuance in writing, state the reasons for the continuance, and shall send a copy directly to the attention of the Family Court, as well as filing the motion with the Clerk. Any motion for continuance in a dependency, neglect or abuse matter shall comply with the requirements of FCRPP 23. The Court shall have discretion to allocate costs by reason of a continuance upon a showing of good cause. The Court has final discretion in the granting or denying of any continuance and may require the hearing to proceed even if the parties agree to the continuance.
- 206 Entry of Orders and Judgments.** The Court may direct an attorney or *pro se* party to prepare an order reflecting the findings of the Court, or take the matter under submission for preparation of an order by the Court. Any order prepared by an attorney or *pro se* party shall contain a signature as "Tendered By" or "Prepared By," and be submitted to the opposing attorney or *pro se* party for signature as "Have Seen." By signing the tendered order as such, neither the attorney nor a *pro se* party is waiving any objection to the content of the order, but is only agreeing that the order reflects the findings of the Court. All orders shall be prepared as separate instruments.

If the responding attorney or *pro se* party fails to sign the order, the submitting attorney or *pro se* party may file the order with the clerk with the notice of same. Within three (3) days after filing of the order with the clerk, the opposing attorney *pro se* party may file any objections to the order, specifying the reasons therefore or submit an alternative order for consideration by the Court, after which time the matter shall stand submitted to the Court.

Any orders of the Court on the Court's calendar shall have full force and effect of law. Orders which are electronically signed, faxed, scanned, emailed as a scanned document or otherwise personally authorized by the Court are enforceable orders. The time frames for filing Notices of Appeal or any motions to reconsider shall be from the date of the entry of the original order with the Circuit Court Clerk.

RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

301 Strict Compliance. All actions for adoptions and terminations of parental rights shall be in strict compliance with the statutory requirements (See KRS Chapters 199 and 625.) In all actions a *Guardian Ad Litem* shall be appointed for the child, unless falling under the exception enumerated by KRS 199.480(3). (See Local Rule 107, and KRS Ch. 625)

302 Inspection of Adoption Records. Applications regarding inspection of Adoption Records Requests are to be filed with the Circuit Clerk's Office, and once filed, the Circuit Clerk shall transmit the request along with the applicable file the 5th Circuit Family Court Judge.

303 Temporary Custody Order. Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

304 Obtaining Date and Time for hearings in Adoption Cases.

A. Once all procedural requirements have been met, including the home investigation where necessary, the attorney for Petitioner(s) must submit all proposed Findings of Fact and Judgment of Adoption for approval by the Family Court's Staff Attorney prior to obtaining a date for a Final Hearing in an adoption action. Proposed documents may be submitted to the Court by email or mailing a copy to:

Hon. Brandi Rogers
5th Circuit Court Judge
Family Court Division
P.O. Box 417
Marion, KY 42064

- B. Once approval of the proposed orders has been obtained from the Family Court Staff Attorney, parties may secure a date and time for all hearings in adoptions telephonically by contacting the Family Court at 270-965-5198.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

- 401 Procedures for Filing and Obtaining Emergency Protective Orders.** Pursuant to KRS 403.735 and in compliance with FCRPP 13, the Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol is attached hereto as Appendix A and incorporated herein by reference.

During the hours of 8:00 a.m. – 4:00 p.m. Monday through Friday, a person who wishes to obtain an Emergency Protective Order should go to the Circuit Clerk’s Office in their respective county and file a Domestic Violence Petition. At times other than these regular Circuit Court Clerk business hours, the person seeking protection should contact any sworn peace officer (local city police, sheriff’s office or state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition.

The above designated person, receiving a completed Domestic Violence Petitioner after regular Circuit Court Clerk business hours, is authorized to administer an oath to the Petitioner affirming the truthfulness as to the contents of the petition, and shall sign their name and office position to the petition as witness and verification of said oath.

The completed, sworn Domestic Violence Petition shall immediately be presented to the Family Court Judge of the 5th Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge or Circuit Judge of the 5th Judicial Circuit. If no authorized individual can be found in the 5th Judicial Circuit, the office shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge or Trial Commissioner in any surrounding county.

402 Violation of Domestic Violence Orders.

- A. Without limiting a party’s choice of remedies, alleged violations of domestic Violence Orders should be referred to the Crittenden District Court, Union District Court and Webster District Court for possible prosecution, except as set forth in 402(B).
- B. Without limiting a party’s choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support, counseling, or firearms provisions should be initiated through the Crittenden Family Court, Union Family Court, and Webster Family Court and scheduled for contempt hearings on appropriate Crittenden, Union, and Webster Family Court dockets.

- 403 Cross-Referencing Cases.** At the time the case is opened (whether the petition was taken during regular office hours or after hours), the Circuit Clerk, in accordance with the clerk’s

manual, shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending. If it is determined a dissolution or child custody proceeding is pending and an EPO is issued, the Circuit Clerk shall, in accordance with the clerk's manual, cross-reference the "D" case with the dissolution or child custody case. Additionally, if a Domestic Violence Order (DVO) is issued, upon entry, the Circuit Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.

RULE 5 PATERNITY

501 Motion Practice. All motions in Paternity cases shall be filed and noticed for a hearing in accordance with RULE 201 herein.

502 Reopening Fee. Pursuant to FCRPP 14(1), a \$50.00 reopening fee for cases that have been inactive for six months on a particular issue shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party *pro se*, rather than by Title IV-D counsel, the fee shall be charged unless the motion is brought *in forma pauperis*.

503 Permission to Review and Copy Paternity Case Files.

- A. An attorney seeking permission to review and copy a paternity case file must first file a Notice of representation signed by a party with a notarized release authorizing that attorney to inspect the parties' paternity case file for reasons relating to representation in that action of a party thereto. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.
- B. Either party to a paternity action shall be permitted to inspect the order entered in the action to which he is a party.
- C. The Clerk's office shall permit any County Attorney involved in the particular case, and attorneys and *Guardians Ad Litem* who are representing incarcerated parents in paternity cases to have access to the records of these action.
- D. All other persons desiring to inspect a paternity case file shall first obtain an order from the court permitting such inspection.

RULE 6 DEPENDENCY, NEGLECT OR ABUSE ACTIONS.

601 Procedure for Emergency Custody Orders.

- A. During normal working hours, 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays, persons seeking an Emergency Custody Order (ECO) shall come to the circuit Court Clerk's office in the County where the request is being made and the Circuit Clerk shall contact the Family Court Judge or the District Court Judge.
- B. After working hours, 5:00 p.m. to 8:00 a.m. Monday through Friday and on weekends, the Family Court Judge or the District Court Judge shall be contacted by DCBS or the responding police agency.

602 Effect of Service on Only One Parent/Person Exercising Custodial Control. The Judge may permit the Temporary Removal Hearing or the Adjudication Hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that the Petitioner has made diligent efforts to serve all parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

603 Time for Temporary Removal Hearing.

- A. The Temporary Removal Hearing shall be held within 72 hours, excluding holidays and weekends, on the issuance of an ECO. The time and date for the Temporary Removal Hearing may be obtained by contacting the Office of the Family Court judge.
- B. The Temporary Removal Hearing shall be held no earlier than the day following the filing of the petition to allow time for service to be attempted.

604 Guardian Ad Litem. In every Dependency, Neglect or Abuse proceeding, the court shall appoint a *Guardian Ad Litem* to represent the child, as required by KRS 620.100(1)(a). The *Guardian Ad Litem* shall be appointed as soon as the first document comes into the Circuit Clerk's office from a list of *Guardians Ad Litem* prepared by the Court. Any attorney desiring to be placed on the list of *Guardians Ad Litem* must first complete the training for dependency, neglect or abuse cases offered by the Administrative Office of the Courts.

605 Court Appointed Special Advocate (CASA). In every Dependency, Neglect or Abuse proceeding in counties where the CASA Network is established, a CASA volunteer will be appointed for the child, as authorized by KRS 620.100(11)(d). The CASA Volunteer shall be appointed as soon as the first document comes into the Circuit Clerk's office.

606 Duty of Guardian Ad Litem, Parent Attorney and CASA Volunteer to continue. Except for good cause shown, after a *Guardian Ad Litem*, court-appointed attorney for the

parent or person exercising custodial control, and CASA Volunteer accepts an appointment, representation shall continue through all stages of the dependency, neglect or abuse proceedings. All parties shall be served with the notice of an attorney's request to withdraw.

- 607 Records and Transcripts.** A videotaped record of all proceedings shall be kept, and copies shall be made available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

RULE 7 DOMESTIC RELATIONS PRACTICE

- 701 Filing Fees.** Unless permitted by the Court to proceed *in forma pauperis*, filing fees (as are required by the Kentucky Court of Justice, the Administrative Office of the Courts, and Kentucky Revised Statutes) shall accompany the filing of the petition and applicable motions. When a litigant is granted leave to proceed *in forma pauperis*, such determination allows the petition or motion to progress, but is not a final allocation of costs and fees. Absent the parties' agreement, the Court will determine this allocation in the final disposition of the matter.

- 702 Appearance, Waivers, and Agreements.** Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary or deputy clerk.

- 703 Case Management Conferences (CMC).**

- A. Purpose. The CMC, as required by FCRPP 2(6), is conducted by the Family Court Staff Attorney. CMC are mandatory in all dissolution of marriage actions and may be ordered by the Court in actions regarding custody, parenting time, or any other disputed issue before the court on petition or motion.

Recognizing that domestic relations actions frequently require revisits to the court system, the Court specifically requests that during a CMC, attorneys and litigants display attitudes of respect, conciliation, and negotiation, with an objective of improving relations between the parties. The attorneys, litigants, and the Staff Attorney shall strive to accomplish the purpose of the CMC, which include, *inter alia*:

- Determining the issues on which the parties agree;
- Reducing the agreements to writing;
- Ascertaining what issues remain unresolved;
- Attempting resolution of the issues unresolved;
- Outlining the issues and necessary proof for the final evidentiary hearing;
- Assisting the parties in reducing and resolving conflict; and
- Bringing about closure and conclusion for the parties.

- B. Scheduling. At any time after discovery is complete and in compliance with FCRPP 2(6), the attorney for either party may contact the Family Court Secretary to schedule a CMC. The Office of the Family Court shall provide available dates and times, and schedule the CMC at a mutually agreeable time; an Order shall also be entered accordingly. Should the parties resolve the contested issues prior to the CMC, they shall promptly notify the Staff Attorney so that other cases may be scheduled.
- C. Format. The Staff Attorney shall conduct the CMC after notice to attorneys and *pro se* litigants. All parties and attorneys shall be present. Children are not permitted to attend the CMC. The parties and their attorneys are expected to arrive prepared to discuss the issues, and with an attitude toward resolution of such issues if possible. Parties and their attorneys shall bring documentation necessary to establish values, incomes, and expenses.
- D. Disclosures. The Final Verified Disclosure Statements (AOC_239) shall be exchanged with a copy provided to the Staff Attorney **at least seven (7) calendar days prior to the date scheduled for the CMC**. Parties and their Attorneys will be required to adhere to the requirements of FCRPP 3(4) and FCRPP 3(3)(b).
- E. Non-compliance. Unexcused or negligent failure to comply with these procedures, to attend the CMC scheduled, or to produce required documentation may result in sanctions against that party or that attorney. Additionally, intentional protraction of the litigation, including cancellation or rescheduling of the conference without cause, may also result in sanctions.

704 Mediation. Mediation is not mandatory. However, pursuant to FCRPP 2(6), the parties may voluntarily agree to submit the case to mediation or the Court may refer the case to mediation with or without the consent of the parties if appropriate. Cases shall be referred to a court-approved mediator.

705 Final Evidentiary Hearings. After completion of the CMC, either party, or both jointly, may move the Court for a final hearing date to address the unresolved issues. This motion shall be set on the Court's motion hour docket or the attorneys may contact the Office of the Family Court and obtain a date from the Family Court Secretary. Should the parties resolve the issues pending before the Court prior to the hearing date, they shall promptly notify the Court to request an Order vacating the hearing date.

706 Final Decree or Order in Uncontested Actions. Upon the expiration of the time requirements set forth by the applicable statute or civil rule, and upon completion of all requirements of the Kentucky FCRPP and these Local Rules, either or both parties may

move for the entry of a decree or final order. The motion shall be accompanied by a proposed decree, adopting any settlement agreement or order of the Court if applicable, and a uniform child support order (if minor children are involved and if an order has not previously been entered). Certificates of competition or enrollment in court-ordered counseling, treatment, education, or monitoring programs shall be filed prior to or with the motion for entry of the decree or order. Upon entry of the final decree or order, the action shall be removed from the Court's active docket.

RULE 8 STATUS OFFENSES

There are no local rules pertaining to Status Offenses. For uniform statewide rules of procedure see FCRPP Section VIII.

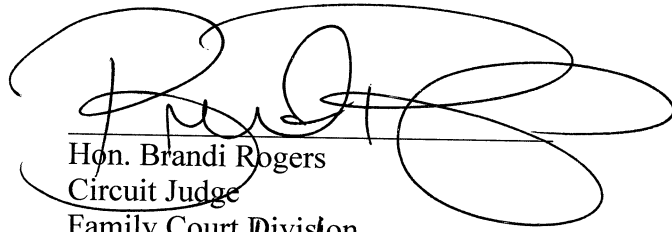
RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required. Every pleading, motion, and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and email address of the attorney or party signing the document.

902 Protection of Personal Identifiers.

- A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph (B) below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted, and filing an un-redacted copy in a marked and sealed envelope. The clerk of the Court shall allow the un-redacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court. As used in this section, "personal identifier" means a Social Security number or taxpayer identification number, date of birth, or financial account number.
- B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by KRS 199.570, KRS 610.340, KRS 625.045, and KRS 625.108.

- 903 Video Copies of In-Chamber Interviews with Children.** Pursuant to FCRPP 27, the Circuit Clerk's Office shall not release any Family Court video of in-chamber interviews with children without a specific written order of the Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge with a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child, and specific purpose for the request.
- 904 Requests for Confidential Video Records.** The Circuit Clerk's Office shall not release any copies of a Family Court confidential video recording, except as authorized in Paternity actions, without a specific written order from the Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's *Guardian Ad Litem*, if any, and set forth the purpose for the request.
- Pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by the public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.
- 905 Child Timesharing Guidelines and Code of Conduct.** The 5th Circuit Family Court Timesharing Guidelines and Code of Conduct are attached hereto as Appendix 2 and 3 for the parties' convenience and discussion. The parties are also referred to the Model Time-Sharing Guidelines incorporated into the Kentucky FCRPP Appendix A. Both sets of guidelines are merely suggestions for the parties' use in attempting to reach a resolution; they do not create a presumption or a mandate of a particular timesharing schedule. The parties are encouraged to reach an agreement that will serve the needs of the family and that will be specific to their case. Because each case presents unique facts and circumstances, the final schedule as agreed by the parties or as established by the Court may or may not contain portions of these models.
- 906 Additional Assistance.** The Family Court Judge and Staff are available and willing to provide information, referrals for services, and additional assistance when possible. However, pursuant to the Kentucky Court of Justice mandates, neither the Court, nor the Family Court Staff, nor the Circuit Clerk, nor any deputy clerk is permitted to provide legal services or advice to litigants.

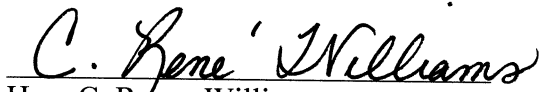


Hon. Brandi Rogers

Circuit Judge

Family Court Division

Date: 02/11/16



Hon. C. Renee Williams

Circuit Judge

Date: 02/11/16

APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FIFTH JUDICIAL CIRCUIT AND DISTRICT CRITTENDEN, UNION, AND WEBSTER COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Handling Cases

- A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Marriage dissolution proceedings filed in the Fifth Judicial Circuit Court or any other court shall not suspend, alter or vacate domestic violence proceedings in the Fifth Judicial Circuit court. All Emergency Protective Orders and Domestic Violence Orders issued by either court shall remain in effect unless specifically altered or vacated by subsequent orders of the appropriate court. Once marriage dissolution is filed in the Fifth Judicial Circuit Court or any other Circuit Court, all matters concerning visitation, custody and support, maintenance, and other items not concerned with individual protection shall be heard in the dissolution proceedings.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters with the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

When it is discovered, subsequent to the entry of an EPO, that a dissolution or child custody proceeding is pending in another county, then the domestic violence case filed in this circuit shall be transferred to the circuit where dissolution/child custody case is pending. This Court shall continue reissuing the EPO until the matter can be heard by the Judge in the other circuit in accordance with KRS 403.740(4).

(Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the Petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.)

II. Twenty-Four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

During the hours of 8:00 a.m. – 4:00 p.m. Monday through Friday, a person who wishes to obtain an EMERGENCY PROTECTIVE ORDER should go to the Circuit Court Clerk's Office in their county and file a DOMESTIC VIOLENCE PETITION.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

At times other than these regular Circuit Court Clerk business hours, the person seeking protection should contact any sworn peace officer (local city police, sheriff's office or the state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition. The above designated person, receiving a completed Domestic Violence Petition after regular Circuit Court Clerk business hours, is authorized to administer an oath to the petitioner affirming the truthfulness as to the contents of the petition and shall sign their name and office position to the petition in witness and verification of said oath.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the Fifth Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge or Circuit Judge of the Fifth Judicial Circuit. If no authorized individual can be found in the Fifth Judicial Circuit, the officer shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge or Trial Commissioner in any surrounding county.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the Fifth Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge or Circuit Judge of the Fifth Judicial Circuit. If no authorized individual can be found in the Fifth Judicial Circuit, the officer shall

present the verified petition to the Family Court Judge, Circuit Judge, District Judge or Trial Commissioner in any surrounding county.

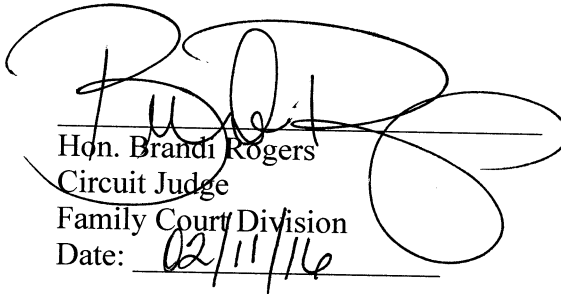
- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.
- F. The schedule for domestic violence hearings is as follows:
 - (1) **Webster Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Monday of each month in Webster County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
 - (2) **Crittenden Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Tuesday of each month in Crittenden County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
 - (3) **Union Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Wednesday of each month in Union County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.

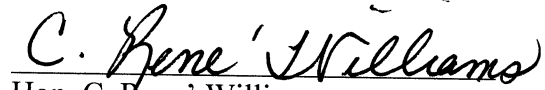
III. Contempt Proceedings

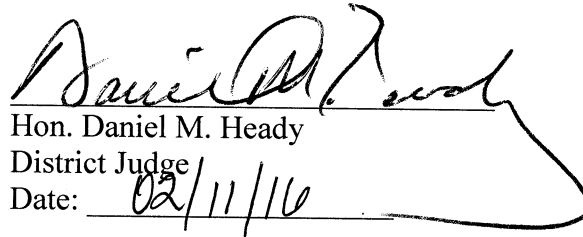
- A. Pursuant to KRS 403.763, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's office in the county where the protective order is entered and file a completed affidavit on form AOC 275.5.
- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the 5th Circuit/District.


Hon. Brandi Rogers
Circuit Judge
Family Court Division
Date: 02/11/16


Hon. C. Rene' Williams
Circuit Judge
Date: 02/11/16


Hon. Daniel M. Heady
District Judge
Date: 02/11/16

APPENDIX B
5TH CIRCUIT FAMILY COURT
PARENTING TIME-SHARING GUIDELINES

Parenting Time is a time for children to be with a parent. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

The preferred option is for parents, through communication and concern for their children's best interest, to establish an arrangement that maximizes the benefit to the children. Liberal parenting time arrangements are encouraged by the Court, as contact with both parents is important to the children. Changes or modifications can be made by the Court if need for such is shown.

If the parties are unable to agree the following guidelines provide a basic structure which in most cases, the Court finds to be reasonable parenting time. The Court has a duty to determine what parenting time is in the best interest of the parties' children based on the facts of the case. It may mean that parenting time will be consistent with these guidelines, more than these guidelines or less than these guidelines. These guidelines are not meant to prevent parties from agreeing to parenting time other than or in addition to those days outlined herein.

- A. **TERMINOLOGY:** For purposes of using this Parenting Time-Sharing Guidelines, PARENT 1 (P1) is the parent the child resides with primarily; PARENT 2 (P2) is the parent the child does not reside with primarily.

B. PARENTING TIME

1. Weekends: P2 shall have alternate weekends from Friday at 5:30 p.m. until Sunday at 7:30 p.m. P2 shall pick up the child on Friday from the residence of P1 or other agreed upon location. P1 shall pick up the child on Sunday from the residence of P2 or other agreed upon location.
2. Midweek: P2 shall have one evening each week, Wednesday, 5:30 p.m. to 8:00 p.m. P2 shall pick up the child from the residence of P1 or other agreed upon location and return the child to the residence of P1 or other agreed upon location.
3. Holidays: The following named holidays, and any other holidays of importance to the parties and the child, should be divided between the parents equally as follows:

New Year's Day	Martin Luther King Day
Easter	July 4 th
Memorial Day	Labor Day
Thanksgiving	Halloween

- a. In ODD-numbered years, the child will be with P1 on the holidays in the left column and the child will be with P2 on the holidays in the right column. Parenting time shall be from 9:00 a.m. until 7:00 p.m., unless the child is in school on the holiday, in which case parenting time will begin after school until 7:00 p.m.
 - b. In EVEN-numbered years, the child will be with P1 on the holidays in the right column and the child will be with P2 on the holidays in the left column. Parenting time shall be from 9:00 a.m. until 7:00 p.m., unless the child is in school on the holiday, in which case parenting time will begin after school until 7:00 p.m.
 - c. If the holiday is connected to a scheduled weekend parenting time, the child is to stay through the holiday. (Example: if P2 has the weekend preceding Memorial Day in an ODD-numbered year, P2 will not return the child on Sunday, but instead retain the child until 7:00 p.m. on Memorial Day.)
 - d. Mother's Day/Father's Day: Mother's Day and Father's Day are to be spent with the appropriate parent. Hours are as agreed or 9:00 a.m. to 7:00 p.m.
 - e. Christmas:
 - i. In ODD-numbered years P2 will have the child December 23rd at 8:00 p.m. until December 24th at 8:00 p.m. P1 will have the child December 24th at 8:00 p.m. through Christmas Day at 8:00 p.m.
 - ii. In EVEN-numbered years P1 will have the child December 23rd at 8:00 p.m. until December 24th at 8:00 p.m. P2 will have the child December 24th at 8:00 p.m. through Christmas Day at 8:00 p.m.
4. Birthdays: The child shall celebrate his/her birthday in the home of the parent scheduled to have the child on that day. The other parent can celebrate at another time if desired.
 5. Fall/Spring Break: For children who are enrolled in school which has both Fall and Spring Breaks: in EVEN-numbered years P1 shall have Fall Break and P2 shall have Spring Break; in ODD-numbered years P2 shall have Fall Break and P1 shall have Spring Break. For children who are enrolled in schools with only one break, the parents will alternate this break with P1 having EVEN-numbered years and P2 having odd-numbered years. The time shall begin at the release of school and continue until 3:00 p.m. on the day prior to school resuming. During these weeks, regular weekend/weekday timesharing is abated. If the child is required to attend extended school during these breaks, the party exercising timesharing shall bear the responsibility of ensuring the child's attendance and compliance.
 6. Summer Break: Both parents shall have the opportunity to have the child with them for vacation periods. P2 is entitled to have two (2), non-consecutive, 14-day periods of uninterrupted summer vacation with the child each year. P1 is entitled to one (1) 14-

day period of uninterrupted summer vacation with the child each year. During these weeks, regular weekend/weekday timesharing is abated. However, *Mother's Day*, *Fathers' Day*, *Memorial Day* and *July 4th* shall follow the holiday schedule.

- a. P2 is to provide notice of when P2 wishes for P2's summer parenting time to occur by May 1st of each year. P1 must give P2 notice of vacations or special plans for the child, to avoid planning conflicts. The summer parenting time schedule should be settled by May 15th of each year. If the parties cannot agree, either party may file a motion requesting the Court pick the dates.
 - b. Summer school necessary for the child to pass to next grade must be attended.
 - c. A general itinerary should be provided for the other parent if vacation will be out of town, including location and a phone number to be reached at in the case of an emergency.
7. Transportation: Unless otherwise set forth herein or agreed to by the parties, the parent receiving the child should pick up the child. Further, unless otherwise agreed to, the parent should handle the transportation of the child. All children shall be properly secured in age-appropriate restraints at all times during transportation.
8. Waiting: There is no duty to await P2 to exchange the child for more than 15 minutes. A P2 who is late forfeits parenting time for that period unless the parties agree otherwise. P1 should be ready to receive the child at the end of the parenting time. A parent could be held responsible for costs the other parent is out-of-pocket due to tardiness.
9. Notice of Intent or Inability to Exercise Timesharing. If at all possible, P2 shall give a minimum of 3 days' notice of his or her intent NOT to exercise all or part of a scheduled period. When such notice is not reasonably possible, the maximum notice permitted by the circumstances shall be given. P1 shall likewise provide notice, when good cause exists that necessitates cancellation or modification of a scheduled period. If a scheduled period cannot occur due to illness or other good cause, a substituted and mutually agreeable timesharing period shall be arranged and shall occur as quickly as possible.
10. This schedule is an enforceable Order of the Court. Please put the interests of your child first and comply with the above provisions.

APPENDIX C PARENTING TIME-SHARING CODE OF CONDUCT

1. **Terminology:** For purposes of using this Parenting Time-Sharing Code of Conduct, PARENT 1 (P1) is the person the child resides with primarily; PARENT 2 (P2) is the parent the child does not reside with primarily. The term “parent” is used interchangeably herein to represent either a biological parent or non-parent custodian as the case may be.
2. **Parenting Time as a Shared Experience.** It is intended that timesharing be a shared experience for siblings. Therefore, unless otherwise excepted, all children shall participate in the parenting time periods. It is recognized that the ages of the children, or the activities or illnesses of the children may occasionally prohibit this.
3. **Child’s Participation and Activities.** P2 shall be permitted to participate and attend the child’s activities and shall equally meet the parental responsibilities (transportation when the child is in his or her care, supervision, booster work, etc.) that accompany those activities. Neither parent shall arrange for excessive activities that interfere with or prohibit the child from spending meaningful time with the other party.
4. **Negative Conduct.** Both parents shall refrain from speaking negatively about each other in the presence of the child or within earshot of the child and shall ensure that other persons likewise refrain. Parents shall not attempt to negatively impact the child’s relationship with the other parent and shall not request that the child choose one parent over another. Parents shall not interrogate the child regarding the activities or actions of another parent.

No parent shall discuss (or enable third persons to discuss) with the child the issues of custody, modification of custody, child support, or timesharing unless all parents have so agreed. No parent shall deny the child access to another parent and shall not threaten to do so as a method of disciplining the child.

5. **Communication between Parents.** [So long as there is no current order preventing contact between the parents by this, or any other court] Parents shall keep each other advised of current home and employment addresses and telephone numbers at which they (and the child when in their care) can be reached. Parents shall refrain from communicating or contacting each other at places of employment unless specifically prearranged or the event of an emergency. Parents shall not require the child to deliver messages and shall not depend upon the child to advise the other party of any activities, schedules, school photos, school programs, or other activity or event.
6. **Daily Routine.** Parents should coordinate plans for bedtimes, homework schedules, and other household rules as much as possible. Each parent shall ensure that, when the child is in his or her care, homework assignments are completed and schedules are met. The parents shall discuss and attempt to agree upon how discipline will be consistently administered to the child and what actions by the child require discipline. The parents shall strive to ensure consistency in the child’s routine and discipline.

7. **Relocation.** Relocation requirements are specifically addressed in the Kentucky Civil Rules, FCRPP 7(2). The parents shall abide by these requirements.
8. **Medical Treatment and Insurance.** If the child has been prescribed medication or treatment, P1 shall provide a sufficient amount of medication, any necessary medical equipment, and appropriate instructions for each visit.

Each parent shall, as soon as possible, notify the other parent of any medical emergency or serious illness of the child. Elective medical procedures or psychotherapy/counseling shall only be performed after any and all parents having custody have been afforded the opportunity to discuss the options with the referring professional.

The parent who has secured healthcare insurance for the child shall promptly supply insurance cards, forms, listings of approved healthcare providers, and procedures for using the health insurance to the other parent. The parent who, except in an emergency, takes the child to a provider who is not approved or qualified under the insurance plan shall bear the additional costs thus created. When one parent is obligated to pay part or all of the child's medical expenses, the billings shall be promptly furnished to the obligated parent.

9. **Religious Training.** Each parent is entitled to choose and follow his/her own religious beliefs and further, to teach those beliefs to the child. Each parent shall provide the other with information concerning any religious training or teaching in which the child has been formally enrolled, and shall provide the place of worship to the other parent.
10. **Clothing.** P1 shall send an appropriate supply of clean clothing for the child for use during P2's time. Any clothing supplied by P1 should be returned in good repair. Parents should communicate plans for any special activities or events that may be scheduled; P1 shall ensure that the type and amount of clothing sent with the child is appropriate for these events and activities.
11. **Necessary Food, Supplies, and Hygiene.** Each parent shall be responsible for providing the food and supplies that are necessary for the child during the time the child is in his or her care. Both parents shall ensure that the child is properly bathed, groomed, and fed during the time the child is in his or her care. Each parent shall maintain adequate food and supplies for the child. These include, but are not limited to, an age-appropriate bed, linens, diapers, wipes, bottles, formula, humidifiers, shampoo, soap, lotion, diaper cream, toys, books, thermometer, over-the-counter medications, and first-aid supplies.
12. **Intoxicants.** No parent shall relinquish the child to anyone, including a parent, regardless of parenting time schedule, who is under the influence of any intoxicant.


13. Child Support. Unless a court order otherwise provides, child support obligations continue through all timesharing periods. Child support and timesharing are mutually exclusive. Neither timesharing, nor child support, may be withheld because of the other parent's failure to comply with a court order.

14. Childcare. Where possible, the parents are encouraged to provide childcare for each other to both lessen the costs and to provide the child with more time with both parents. Parents that are joint custodians shall discuss proposed child care arrangements prior to enrollment of the child.

APPENDIX D
JURISDICTION FOR STATUS OFFENSES AND IPO ACTIONS

1. Given the concurrent jurisdiction of status offenses and IPOs as set forth in the Kentucky Revised Statute, the Judges of Webster Circuit and District courts have resolved the assignment of these actions to the dockets of the Family Court and District Court.
 - (a) Family Court will have primary jurisdiction of any Petition requesting an EPO/IPO between dating persons pursuant to KRS Chapter 456.
 - (b) District Court will have primary jurisdiction of any Petition alleging a status offense by a juvenile pursuant to KRS Chapter 630 due to the increased caseload and actions involving juvenile status offenders.
2. If, because of emergency or conflict, the Court assigned primary jurisdiction is unable to hear the case, the other Court, having concurrent jurisdiction may preside over the case.

The above jurisdiction is approved by all judges in the 5th Circuit/District.


JUDGE C. RENEE WILLIAMS
CIRCUIT COURT


JUDGE BRANDI ROGERS
CIRCUIT COURT
FAMILY COURT DIVISION


JUDGE DANIEL HEADY
DISTRICT COURT